

Criminal Behavior and Violence

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Abstract

The term "Crime" means the perpetration of a criminal act which is punishable by law. It is therefore about those parts that are considered harmful or dangerous in some country. The criminal acts is acts which are punishable by law, but it is important to mention that there are parts which are not legally punishable but they are harmful and dangerous for society.

Keywords: Crime; Violence; Law

Introduction

The task of measuring crime is important for a wide range of different reasons [1]. Most straightforwardly we are interested in determining just how much crime there is in society and how prevalent different types of crime are. Inevitably we will also be interested in finding out whether crime is increasing or decreasing and whether crime is more prevalent in some places than others. Obtaining clear information about the nature and prevalence of crime in society is also important for the development of theories of crime. A good theory of crime, for instance, will provide a satisfactory account of the most notable patterns in criminal behaviour, such as the over-representation of men and young people in crime statistics.

Criminologists typically recognise two main approaches to measuring crime: official crime statistics and victim surveys. Official crime statistics are those that are gathered by law enforcement agencies and are based on offences that are reported to, or otherwise come to the attention of, the relevant law enforcement authorities. All Western countries meticulously collect and publish official crime statistics on a regular basis. In England and

Wales these are known as recorded crime statistics and are published alongside the results from the British Crime Survey. In the United States the official crime statistics are collected by the FBI and published as the Uniform Crime Reports. These and the official crime statistics from other countries are readily accessible online.

Official crime statistics provide important information about the prevalence of different types of crime in society. They do, however, have some well recognised limitations. Importantly, because they are largely based on criminal offences that are either reported to the police or that the police find out about through other means, they inevitably represent only a sample of the total amount of crime in society. This reason for this is straightforward: many offences are simply not reported to the police and thus they cannot find their way into official crime statistics. Criminologists use the term 'the dark figure of crime' to refer to those unreported and undetected offences. To make matters more problematic some offences are more likely to be reported to, or detected by, the police than are others. Property offences, for instance, such as burglary or motor vehicle theft, are likely to be reported to police as people will typically want to make insurance claims on lost items. Many offences against the person, however,

such as sexual and violent offences, may be less likely to be reported as many people may view these as private matters or think that the police will not be able to do anything to help them.

Darwin's (1859) notion of natural selection provided an elegant and simple explanation for the process of evolution and can be captured in three general principles: phenotypic variability, differential fitness, and heritability [1]. Organisms vary in the physical, psychological and behavioural (i.e. 'phenotypic') characteristics that they possess. Some of these differences will result in differential fitness – that is, some members of the species will be better able to survive and reproduce due to the specific characteristics that they possess. If these differences are heritable (i.e. reliably passed on from parents to offspring via genes) then the favourable characteristics will become more common in the population relative to the less favourable characteristics. Inherited characteristics that have been selected for because of their role in advancing survival and reproductive success are known as biological adaptations.

Darwin's theory of natural selection is predicated on the idea that for favourable characteristics to be retained in the population they must be reliably passed on from parents to offspring. That is, they must be heritable. Although Darwin failed to accurately identify just how this happened, over a century of research has substantially advanced our understanding of this process with the identification of the gene as the fundamental unit of inheritance. Humans have somewhere in the region of 20,000–25,000 genes which, in combination with each other and the environment, are largely responsible for determining the phenotypical (i.e. manifest or observable) characteristics of each and every person. Most people will recognise that certain physical traits or characteristics tend to 'run in families', with children more likely to resemble their parents than adults in the general population. However, the idea that certain psychological characteristics such as IQ, personality or, perhaps, an increased propensity for criminal behaviour, might be heritable is somewhat more controversial.

Explanation

There is no shortage of explanations for criminal behaviour [1]. Indeed, for the newcomer to the study of criminology there is a somewhat bewildering thicket of 'theories', 'approaches', 'perspectives' and 'models' to navigate their way through. It is essential, therefore, that we find a way to organise this material in coherent fashion. First, it is important that we understand what is

meant by a 'theory', 'approach' or 'model'. Very briefly, an approach or perspective is a broad way of looking at or understanding a given topic of study. Thus, we can talk of developmental approaches to understanding crime that focus on how factors across the lifespan of an individual might influence the development of criminal behaviour. A theory can be viewed as a typically more specific set of propositions that specify the key causal processes that give rise to a specific phenomenon.

Social control theory, for instance, proposes that crime tends to emerge when individuals are weakly bonded or attached to social institutions. Theories can be employed to generate specific hypotheses (statements that are derived from theories) and predictions (specific statements that are derived from hypotheses). Finally, a model can be considered to be an idealised representation of some feature of the world (just as we have model buildings and model aircraft). In practice, the boundaries between what are viewed as 'theories' and what are considered 'models' are somewhat blurred in the social sciences and vary substantially in terms of their scope and complexity from very simple singlefactor, to complex, integrated theories and models.

Given the range of theoretical approaches on offer, at different levels of analysis, it is natural to ask which is the 'best' approach. However, although there are important criteria for evaluating the worth of a theory, typically speaking, explanations drawn from different levels of analysis are not in direct competition with one another because they provide alternative, but (in principle) compatible explanations for criminal behaviour. It makes no sense, for instance, to say that an approach that focuses on social structure is necessarily a better explanation for crime than one that focuses on developmental process or on neurobiology. Explanations drawn from different levels of analysis are, therefore, all potentially relevant for understanding criminal behaviour (to the extent that they are 'correct'). However, some types of explanation may become more salient depending on just what exactly we want to explain. For example, if we are interested in accounting for cross-national differences in homicide rates, then an explanation that draws on social-structural and cultural approaches is likely to be most salient. This is because the differences in rates of homicide are likely to reflect differences in social structure or culture (rather than, say, personality). If, however, we are interested in explaining why some individuals are more likely to engage in criminal behaviour compared to others, despite living in the same community, then explanations that focus on individual

level characteristics (e.g. personality) and developmental history become more salient.

Behavioral scientists have failed thus far to identify a well-defined and well-understood psychological characteristic or a set of characteristics that are diagnostic about fraud perpetrator propensity [2]. At the same time, to say that "greed and dishonesty"—a commonly heard refrain—can account for all that went on during the "irrational exuberance" of the 1990s and the early 2000s or earlier eras would be overly simplistic. After all, most people in the business world are fully law abiding market participants—they do not necessarily resort to fraud to achieve their stretch goals. From a criminology perspective, white collar crime, like other crime, can best be explained by three factors: a supply of motivated offenders, the availability of suitable targets, and the absence of capable guardians—control systems or someone "to mind the store" so to speak. This is consistent with the general explanation of (white collar) crime as choice, positing that variation in crime is produced by variation in opportunities and in motivation. Criminal opportunities are presented by those vulnerable environments and opportunistically interpretable scenarios that individuals and groups see as offering attractive potential for criminal reward with little apparent risk of detection or penalty. The aggregate rate of white collar crime varies directly with the supply of criminal opportunities and with the supply of individuals and organizations predisposed or motivated to exploit them; the rate and incidence of crime varies inversely with the intensity and severity of rule enforcement.

In general, fluctuations in business cycles, and criminogenic cultures that conflict with accepted social, ethical, and legal norms of behavior, are correlated with increases in the rate of white collar crime. From Sherlock Holmes mysteries through television docudramas to the headlines of your local newspaper, the crimes that captivate us with shivers of horror are those that bring harm to life or limb [3]. Homicide, assault, rape, and kidnapping, ancient common law crimes the perpetrators of which were punished for depriving the king of healthy subjects, have advanced into our times with a vengeance. A mere interest in macabre stories or the king's loss of the taxpaying ability of the victim seem quaint beside the physical and psychological toll on the lives of people we know and the social as well as economic damage to the communities where we live. It is no surprise that these are considered some of the most serious offenses in criminal law.

As these common law offenses became codified, they also gradually became more and more complex. Both the division of crimes into felony and misdemeanor levels and then their gradation into degrees of severity correspond to the complexity of circumstances in which these crimes occur. A simple "off with their heads," the ancient response to these crimes, has given way to an attempt at understanding differences in intent and damages, and to punish accordingly.

Along with this increased complexity in the grading of basic common law crimes, the past century has seen the kinds of changes that spawn entirely new crimes of violence. Vehicular homicide and "carjacking" did not exist a hundred years ago, nor did AIDS as an aggravating circumstance to rape. Recently, cyberspace has provided another avenue for stalking. Increasing emphasis on the rights of children and women has expanded rape into many levels of sexual offenses, by and against both sexes, and has helped establish criminal abuse as a separate crime. Advances in medicine have changed the very definitions of life and death, and homicide laws have been reinterpreted accordingly. Terrorism is indeed a crime against persons, but since its broadest impact is against public order and safety.

Experts have been attempting to unlock the code to the criminal mind for years [4]. The hunt for the code lies in understanding why someone becomes a criminal, or identifying the causes of criminal behavior. If there is ever such a discovery, then we will have the ability to write a prescription, develop a therapy modality, or change the DNA coding to render the criminal mind helpless. In essence, we would have the ability to create the perfect citizen in much the same way that scientists examine human DNA in an attempt to unlock the code to life and disease. What has prevented this type of success when dealing with the criminal mind is that we are dealing with human behavior, and the variables are vast. It is believed that our personalities are shaped by a triad of environment, psychology, and biology, which can be summed up in one term, biopsychosocial.

Agression and Violence

A man pulls out a knife and demands money from a shopkeeper; a heated dispute between two young men in a bar results in one man killing the other with a handgun; a man threatens to kill his wife if she leaves him; a young parent neglects the physical and psychological needs of his infant daughter; a high school student spreads a malicious rumour about a classmate; a participant in a social psychology experiment selects an especially fiery

hot sauce to administer to a fellow participant [1]. These are all acts that result in, or have the potential to result in, harm to others. But do they all count as instances of aggression, or even violence? As we shall see, there is no straightforward answer to these questions because the concepts of 'aggression' and 'violence' have been defined in different ways. Moreover, as these examples illustrate, the class of acts that we might consider as aggressive or violent encompasses a diverse range of human behaviour. This is an important point because it suggests that there is unlikely to be any single or simple explanation for violent behaviour. However, let's begin by considering some of the main attempts to define and classify aggression and violence.

A fairly standard working definition of aggression is: 'Aggression is any form of behaviour directed toward the goal of harming or injuring another living being who is motivated to avoid such treatment.' There are several key features to this definition that psychologists typically agree upon. First, intention is crucial. If I accidentally harm you by mowing the lawn as you walk by, causing stones to fly up and hit you in the face my act is not one of aggression. Accidental injuries clearly do not count. A second key aspect of this definition is that harm includes both physical and psychological harm. The intentional use of insults and verbal abuse, therefore, count as instances of aggression. Finally, for the act to count as aggression the individuals must be motivated to avoid that harm. A drill wielding dentist, despite deliberately causing pain, is not behaving aggressively because the intent is not to cause harm and the patient, in an obvious sense, accepts the pain as something they need to endure. Violence can be conceptualised as 'aggression that has extreme harm as its goal' or as 'destructive physical aggression intentionally directed at harming other persons or things'. These definitions highlight that all instances of violence are also instances of aggression but that violence involves behaviours that are more harmful in nature, typically involving more extreme physical aggression. Finally, criminal violence can be viewed as violence that is prohibited by the law. Although much violence is, therefore, criminal violence there are clearly instances of violent acts that are legitimised by the state (e.g. punishment, and the use of reasonable force by the police) that do not count as instances of criminal violence.

Violent Crime

Violent crime, then, can be differentiated by the primary target of the violence and the context in which it occurs [1]. Violent crimes can also be categorised in terms of specific legal boundaries. These focus on the different

nature and gravity of the offence. The exact number of different types of violent offence varies widely among different national and state jurisdictions. However, the most widely recognised category is homicide, which can be defined as 'the killing of a human being, whether the killing is lawful or unlawful'. Homicide can be sub-divided into two main categories: (1) criminal homicide (the killing of another human that is prohibited by the law), and (2) non-criminal homicide (killing that is not prohibited by the law – e.g. capital punishment). Criminal homicide can be further sub-divided into acts of murder that involve the intentional killing of another person, and manslaughter where the killing of another person was not specifically intended. Manslaughter itself can be further divided into two categories: voluntary manslaughter (referred to as non-negligent manslaughter in the United States) and involuntary manslaughter (negligent manslaughter in the United States). The boundaries between murder and voluntary manslaughter are not particularly clear cut (and can be very hard to determine in practice) but essentially voluntary manslaughter involves the killing of another person without 'malice aforethought' – in other words, without a specific planned intent to kill. Involuntary manslaughter involves cases where someone is killed as a result of recklessness or negligence. For instance, someone who drinks a significant quantity of alcohol and crosses the centre line causing an accident that results in the death of the other driver may be convicted of involuntary manslaughter.

Violence and aggression in an inpatient forensic setting are relatively common behaviors that threaten the safety and well-being of patients and staff who care for them [5]. Data suggest that most psychiatric staff, including nurses, psychiatrists, and direct care mental health workers, have been assaulted by a patient or verbally threatened at least once in their career. Violence has a number of significant negative consequences including post-traumatic stress response in injured staff, staff burnout and turnover, lost wages, financial costs to institutions due to loss of time from work by staff, and decreased effectiveness of treatment.

Traditionally, inpatient settings have relied primarily on control measures in response to these problematic behaviors including the use of restraints/ seclusions, medications, and aversive measures (punishment). Despite common use, these control measures, alone, have limited effectiveness in the treatment of violent patients and serve to keep patients institutionalized or warehoused in prisons and forensic inpatient settings. For patients, these measures do little to contribute to and may even retard the acquisition of the daily living skills, coping

skills, and prosocial behaviors that are required for successful transition back into the community.

Family Violence

Family violence have four types of family violent behavior. This is physical, emotional, sexual and neglect. The importance of families in most people's lives cannot be underestimated [1]. Humans have a strong need 'to belong' and close, loving relationships with partners, parents, siblings, children, grandparents, and other relatives are an integral part of human existence. However, perhaps paradoxically, the family is also an environment in which a significant amount of conflict occurs. It is generally recognised that family violence should include all harmful acts perpetrated by a family member against another family member, including physical attacks, sexual violence and abuse, psychological/emotional abuse, controlling behaviours and neglect. If we accept this broad definition, then it is perhaps unsurprising that family violence is one of the most prevalent forms of violence in most Western countries. Family violence can also be distinguished from other forms of violence in that victims and perpetrators typically have an ongoing relationship that usually exists both prior to and after violent episodes. Unlike other forms of violence there are also substantive and ongoing debates concerning what constitutes criminal violence within the family context, with many forms of violence accepted or condoned within the family that would be criminalised in other contexts.

Professional Expertise

When assessing or treating offenders who have mental disorders, lead clinicians often find themselves combining clinical and legal roles [6]. Concerns about doing so seem to crystallize out most prominently in respect of giving evidence in court or to legal bodies—so much so that some countries proscribe the dual role. Experts are the only witnesses called to give evidence in a court of law who are entitled to offer opinions. This privilege should not be blindly extended to guidance on giving such evidence. It is possible to apply rigorous research to determining best approaches, given knowledge of the concerns which attend the potential complexities of the role, but difficult, not least because ethics committees still struggle to provide the necessary range of expertise to consider research proposals such a field. Reasonable concerns have been cited in respect of, in effect, exceptional potential for offering biased opinion if the person providing the expert report is also the treating clinician. Less often expressed, but no less a concern, is

that material which should perhaps properly remain confidential to the clinical relationship cannot it the treating clinician takes on expert roles. Research could identify the nature and extent of such biases, if any, and the nature and extent of harm, if any—to offender-patient or the wider public—when the treating clinician draws on all information to write a report. The fact that different jurisdictions do operate different approaches to this dilemma suggests that there is no absolutely correct approach, which in turn should reassure ethics committees that there would be nothing unethical in a research comparison of the different approaches.

Psychologists are increasingly being called upon by the courts to conduct assessments of a defendant's level of risk to commit a violent offense, a sexual offense, or some other type of criminal behavior [7]. While the assessment of an individual's future risk may occur at any time, these assessments usually occur in one of two contexts: just before sentencing to inform the court about level of risk, which may affect the type of sentence that is imposed, and just before release to inform the court about the level of risk and strategies for reducing an offender's level of risk, which may affect the release decision or the conditions imposed upon that release. Risk assessment occurs in both the civil (e.g., risk for violence toward oneself or others) and criminal (e.g., risk for future sexual violence) arenas.

Law

The general misconception that personal injury cases only involved individuals who suffer physical injury in some form of an accidental situation is one that is held by professionals and nonprofessionals alike [8]. There are two parts to every personal injury lawsuit: Damages, which refers to how much damage has been caused by the injury, and liability, which refers to who is responsible for those damages. Personal injury cases can include any situation where an individual is injured physically or psychologically in which damages occur, including accidents resulting in physical or psychological injury; medical malpractice cases resulting in psychological injury; and sexual abuse, harassment, and/or misconduct cases resulting in psychological injury. Damages without liability or a liability without damages will render a personal injury legal action moot. Psychologists generally become involved in personal injury cases on the damages side.

Each year, as government finds it increasingly necessary to regulate the activities that most intimately influence our daily lives, science merges more closely

with civil and criminal law [9]. Consider, for example, the laws and agencies that regulate the quality of our food, the nature and potency of drugs, the extent of automobile emissions, the kind of fuel oil we burn, the purity of our drinking water, and the pesticides we use on our crops and plants. It would be difficult to conceive of a food or drug regulation or environmental protection act that could be effectively monitored and enforced without the assistance of scientific technology and the skill of the scientific community.

Laws are continually being broadened and revised to counter the alarming increase in crime rates. In response to public concern, law enforcement agencies have expanded their patrol and investigative functions, hoping to stem the rising tide of crime. At the same time, they are looking more to the scientific community for advice and technical support for their efforts. Can the technology that put astronauts on the moon, split the atom, and eradicated most dreaded diseases be enlisted in this critical battle?

Unfortunately, science cannot offer final and authoritative solutions to problems that stem from a maze of social and psychological factors. However, science occupies an important and unique role in the criminal justice system—a role that relates to the scientist's ability to supply accurate and objective information about the events that have occurred at a crime scene. A good deal of work remains to be done if the full potential of science as applied to criminal investigations is to be realized.

A defendant stands accused of a terrible crime [10]. Lawyers make opening statements, witnesses are called, motives are questioned, secrets are revealed. In their closing arguments, lawyers make impassioned pleas to the men and women of the jury. Jurors struggle to find the truth. In a hushed courtroom, thick with tension, the jury foreperson announces the verdict: "We find the defendant...."

The courtroom trial is a staple of great and trashy literature, of distinguished films and lousy television. This is so because the trial is a compelling psychological drama. There is the question of motivation—was it love, hate, fear, greed, or jealousy that caused the behavior of a criminal? There is persuasion—lawyers and witnesses attempt to influence a judge or jury and, during deliberations, jurors attempt to influence each other. Perceptual and cognitive processes come into play—eyewitnesses must remember and report what they saw, jurors must sift through evidence to reach conclusions. Finally, there is decision-making: The goal is to reach a

decision, a verdict. And, if the verdict is guilty, there is a choice about what punishment the defendant deserves.

The trial is the most visible piece of our justice system. But it is only a small piece. When we look beyond the trial, we find that the legal system is saturated with psychological concerns. Every area of psychology (e.g., developmental, social, clinical, cognitive) is relevant to some aspect of law.

Conclusion

Criminal behaviors are only behaviors that are determined by the relevant legislative and other state bodies according to specific criteria and they are determined by the relevant legal regulations. Different groups should be distinguished within the range of criminal behavior. The term „Criminal behavior“ is in essence only a common name for disciplinary offenses, misdemeanors and criminal acts.

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